

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Defendants' Motion for Bifurcation, filed on September 27, 2005, is a matter that should have been filed prior to the law and motion deadline established by the Status (Pretrial Scheduling) Order. In addition, the Defendants' motion discusses several issues addressed by Section IX of the Final Pretrial Order ("FPO"). Any objection to Section IX should have been filed within the ten-day objection period prescribed by Section XVI of the FPO.

Therefore, the Defendants' Motion for Bifurcation is untimely. Accordingly, the motion is denied. See U.S. Dominator, Inc. v. Factory Ship Robert E. Resoff, 768 F.2d 1099, 1104 (9th

1 Cir. 1985) (affirming district court's denial of untimely motion
2 since "pretrial order controls the subsequent course of action
3 unless modified by a subsequent order"), rejected on other grounds,
4 Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174 (9th Cir.
5 1995).

6 IT IS SO ORDERED.

7 DATED: September 30, 2005

8 /s/ Garland E. Burrell, Jr.
9 GARLAND E. BURRELL, JR.
10 United States District Judge

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